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Attorneys for Plaintiff, DENNIS WEIBLE

**UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA**

DENNIS WEIBLE,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
v.)	
)	(Unlawful Debt Collection Practices)
NELSON, WATSON & ASSOCIATES,)	
)	
LLC,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT

DENNIS WEIBLE (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against NELSON, WATSON & ASSOCIATES, LLC (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.

1 4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

2 5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

3 **PARTIES**

4 6. Plaintiff is a natural person residing in Queen Creek, Maricopa County, Arizona.

5 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
6 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought
8 to collect a consumer debt from Plaintiff.

9 9. Defendant is a collection agency with its headquarters located in Massachusetts and
10 conducting business in Arizona.

11 10. Defendant acted through its agents, employees, officers, members, directors, heirs,
12 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
13 insurers.

14 **FACTUAL ALLEGATIONS**

15 11. Defendant constantly and continuously places collection calls to Plaintiff seeking and
16 demanding payment for an alleged debt (see Exhibit A).

17 12. Defendant places an average of two (2) calls to Plaintiff every day.

18 13. Defendant places calls from 800-910-5863, 800-910-5536 and 888-816-6566 telephone
19 numbers.

20 **COUNT I**

21 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

22 14. Defendant violated the FDCPA based on the following:

23 a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
24 consequence of which is to harass, oppress and/or abuse Plaintiff.

25 b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's

1 telephone to ring repeatedly and continuously with the intent to annoy, abuse,
2 and harass Plaintiff.

3 15. As a direct and proximate result of one or more or all of the statutory violations above
4 Plaintiff has suffered emotional distress (see Exhibit B).

5 WHEREFORE, Plaintiff, DENNIS WEIBLE, respectfully requests judgment be entered against
6 Defendant, NELSON, WATSON & ASSOCIATES, LLC, for the following:

7 16. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
8 Practices Act,

9 17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

10 18. Actual damages,

11 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
12 *15 U.S.C. 1692k*

13 20. Any other relief that this Honorable Court deems appropriate.

14 **DEMAND FOR JURY TRIAL**

15 Plaintiff, DENNIS WEIBLE, demands a jury trial in this cause of action.

16 RESPECTFULLY SUBMITTED,

17 DATED: September 1, 2009

KROHN & MOSS, LTD.

18
19 By: /s/ Ryan Lee

20 Ryan Lee
21 Attorney for Plaintiff
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23
24
25

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, DENNIS WEIBLE, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DENNIS WEIBLE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 8/25/09


DENNIS WEIBLE

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EXHIBIT A

BofA, Neslon Watson & Assoc

(800) 910-5863	(800) 910-5536	(888) 816-6566
1 7/17 1130	1 7/29 1045 1	1 6/10 1116 1
2 7/21 1334	2 7/29 1544 2	2 6/10 1250 2
3 7/22 1514	3 7/30 1237	3 6/15 1253
4 7/23 0849	4 7/31 1004	4 6/16 1525
5 7/27 1048 1		5 6/17 1153 1
6 7/27 1702 2		6 6/17 1345 2
7 7/28 1221 1		7 6/19 1012 1
8 7/28 1357 2		8 6/19 1331 2
		9 6/22 1239
		10 6/23 1703
		11 6/24 0846
		12 6/24 0929
		13 6/26 1045
		14 7/2 0834 1
		15 7/2 1021 2
		16 7/03 1153

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EXHIBIT B

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

- | | | |
|---|------------|-----------|
| 1. Sleeplessness | <u>YES</u> | NO |
| 2. Fear of answering the telephone | <u>YES</u> | NO |
| 3. Nervousness | <u>YES</u> | NO |
| 4. Fear of answering the door | <u>YES</u> | NO |
| 5. Embarrassment when speaking with family or friends | <u>YES</u> | NO |
| 6. Depressions (sad, anxious, or "empty" moods) | <u>YES</u> | NO |
| 7. Chest pains | <u>YES</u> | <u>NO</u> |
| 8. Feelings of hopelessness, pessimism | <u>YES</u> | NO |
| 9. Feelings of guilt, worthlessness, helplessness | <u>YES</u> | NO |
| 10. Appetite and/or weight loss or overeating and weight gain | <u>YES</u> | <u>NO</u> |
| 11. Thoughts of death, suicide or suicide attempts | <u>YES</u> | <u>NO</u> |
| 12. Restlessness or irritability | <u>YES</u> | NO |
| 13. Headache, nausea, chronic pain or fatigue | <u>YES</u> | <u>NO</u> |
| 14. Negative impact on my job | <u>YES</u> | NO |
| 15. Negative impact on my relationships | <u>YES</u> | NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: Just want to hide from everyone

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8/25/09

Dennis Weible
Signed Name

Dennis Weible
Printed Name